

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

Attorney Docket No.

2566-106

Total Pages

First Named Inventor or Application Identifier

David C. CUSHING et al.

Express Mail Label No.

**APPLICATION ELEMENTS**

ADDRESS TO: **Assistant Commissioner of Patents  
Box Patent Application  
Washington, D.C. 20231**

MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification Total pages [ 27 ]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross references to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings
  - Detailed Description
  - Claims
  - Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) (Total Sheets) [ 4 ]
4. ☒ Oath or Declaration (Total Pages) [ 3 ]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application  
(37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)

**[Note Box 5 below]**

- i ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
- ☐ Incorporation by Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy (identical to computer copy)
  - c. ☐ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

8. ☒ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement  
(when there is an assignee)
  - ☐ Power of Attorney
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement /PTO 1449
  - ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
14. ☒ Small Entity Statement(s)
  - ☐ Statement Filed in prior application, Status still proper and desired
15. ☐ Certified Copy of Priority Document(s).  
(if foreign priority is claimed)
16. ☒ Other: Petition for Filing Under Rule 47(a) with \$130 Ck.

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

**18. CORRESPONDENCE ADDRESS**

☐ Customer Number or Bar Code Label or ☒ Correspondence address below  
(Insert Customer No. or Attach bar code label here)

Name	Vincent M. DeLuca, Reg. No. 32,408				
Address	Rothwell, Figg, Ernst & Manbeck Suite 701-East, 555 13th Street, N.W.				
City	Washington	State	D.C.	Zip Code	20004
Country	U.S.A.	Telephone	202-783-6040	Fax	202-783-6031

<b>FEE TRANSMITTAL</b> <b>(Small Entity)</b>		Complete if Known	
		Application Number	
		Filing Date	
		First Named Inventor	David C. CUSHING et al.
		Group Art Unit	
		Examiner Name	
Total Amount of Payment	(\$525)	Attorney Docket Number	2566-106

**METHOD OF PAYMENT** (check one)

**FEE CALCULATION** (continued)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck

☐ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Charge for the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. ☒ Payment Enclosed: Check

**FEE CALCULATION**
**1. FILING FEE**

Fee Description	Fee Code	Fee Paid
<input checked="" type="checkbox"/> Utility Filing Fee	201	355
<input type="checkbox"/> Design Filing Fee	206	160
<input type="checkbox"/> Plant Filing Fee	207	245
<input type="checkbox"/> Reissue Filing Fee	208	355
<input type="checkbox"/> Provisional Filing Fee	214	75

**SUBTOTAL \$355**

**2. CLAIMS**

		Fee from				Fee Paid
		Extra	below			
Total Claims	16 - 20 =	0	x	\$ 9	=	
Independent						
Claims	2 - 3 =	0	x	40	=	
Multiple Dependent Claims		+		135	=	

**SUBTOTAL \$**

**3. ADDITIONAL FEES**

Fee Description	Fee Code	Fee Paid
<input type="checkbox"/> Surcharge - late filing fee or oath	205	65
<input type="checkbox"/> Surcharge - late provisional filing fee or cover sheet	227	25
<input type="checkbox"/> Non-English specification	139	130
<input type="checkbox"/> For filing a request for reexamination	147	2,520
<input type="checkbox"/> Requesting publication of SIR prior to Examiner action	112	920
<input type="checkbox"/> Requesting publication of SIR after Examiner action	113	1,840*
<input type="checkbox"/> Extension for reply within first month	215	55
<input type="checkbox"/> Extension for reply within second month	216	195
<input type="checkbox"/> Extension for reply within third month	217	445
<input type="checkbox"/> Extension for reply within fourth month	218	695
<input type="checkbox"/> Extension for reply within fifth month	228	945
<input type="checkbox"/> Notice of Appeal	219	155
<input type="checkbox"/> Filing a brief in support of an appeal	220	155
<input type="checkbox"/> Request for Oral Hearing	221	135
<input type="checkbox"/> Petition to institute a public use proceeding	138	1,510
<input type="checkbox"/> Petition to revive -unavoidable	240	55
<input type="checkbox"/> Petition to revive - unintentional	241	620
<input type="checkbox"/> Utility issue fee (or reissue)	242	620
<input type="checkbox"/> Design issue fee	243	220
<input type="checkbox"/> Plant issue fee	244	300
<input type="checkbox"/> Petitions to the Commissioner	122	130
<input type="checkbox"/> Petitions related to provisional applications	123	50
<input type="checkbox"/> Submission of Information Disclosure Statement	126	240
<input checked="" type="checkbox"/> Recording each patent assignment per property (times number of properties)	581	40
<input type="checkbox"/> Filing a submission after final rejection (37 CFR .129(a))	246	355
<input type="checkbox"/> For each additional invention to be examined (37 CFR 1.129(b))	249	355

Other fee (specify)

☒ Petition For Filing Under Rule 47(a) 130

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL \$ 170**

SUBMITTED BY		Complete (if applicable)	
NAME & REG. NUMBER	Vincent M. DeLuca, Reg. No. 32,408		
SIGNATURE	Vincent M De Luca	DATE	10/31/00
		DEPOSIT ACCOUNT USER ID	

Applicant or Patentee: David C. Cushing et al.  
Serial or Patent No.: \_\_\_\_\_ Attorney's Docket No. 2566-106  
Filed or Issued: herewith  
For: **SYSTEM AND METHOD FOR EXECUTING STRATEGY SECURITY TRADING**

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Investment Technology Group, Inc.  
ADDRESS OF CONCERN 380 Madison Avenue, New York, NY 10017

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **SYSTEM AND METHOD FOR EXECUTING STRATEGY SECURITY TRADING** by inventor(s) David C. Cushing described in

- ☒ the specification filed herewith  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

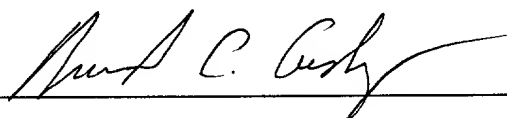
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any application issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING David C. Cushing

TITLE OF PERSON OTHER THAN OWNER VP

ADDRESS OF PERSON SIGNING 380 Madison Avenue, NY, NY

SIGNATURE  Date 10/9/00

**SYSTEM AND METHOD FOR EXECUTING STRATEGY SECURITY  
TRADING**

CROSS REFERENCE TO RELATED APPLICATION

5        This application claims the benefit of the filing  
date of provisional application Serial No. 60/176,627,  
filed January 19, 2000.

FIELD OF THE INVENTION

10       This invention relates generally to securities  
markets, and more particularly relates to a system and  
method for executing trades of securities according to  
predefined strategies.

BACKGROUND OF THE INVENTION

15       A securities trading mechanism can be thought of  
as a set of protocols that translate a group of  
investors' latent demands into realized prices and  
quantities. In addition to the national and regional  
exchanges, there exist a number of proprietary equity  
trading mechanisms, such as ECNs (Electronic  
Communication Networks) which are tailored to handle  
20       the specialized needs of sophisticated investors and  
traders.

Algorithmic trading, or so-called "program  
trading," has been known for many years. According to  
such program trading, various factors such as timing,

volume, individual price trends, market trends, sector trends, etc. are taken into account according to a series of rules defined by the algorithm which then determine whether to enter trade orders and what parameters to select for those trade orders. The factors considered and the manner in which those factors are incorporated or weighted in a trading algorithm are a function of the particular strategy developed by the investor.

The present invention enables trade orders to be managed and executed automatically according to one or more of a number of specific trading strategies by implementing multiple developed strategies into a number of servers and transmitting orders to a particular server running the desired trading strategy.

#### SUMMARY OF THE INVENTION

The present invention provides a system for executing trades of securities according to predefined trading strategies comprising a network having a plurality of servers. In preferred embodiments of the present invention, a server comprises one or more computers that act as an automated trading agent whereby it accepts orders from clients and manages and executes those orders. Each server, or "agent," is programmed with a specific trading strategy algorithm and receives trade orders and executes them according to the trading strategy algorithm programmed therein. The servers are connected to a plurality of clients over a communication network, and clients enter trade orders through the communication network to the server associated with the trading strategy the client desires to use to complete its trade order.

According to another aspect, the invention provides a method for executing a trade order for a security. The method comprises the steps of providing a server connected to a communication network, the  
5 server being programmed with a specific trading strategy algorithm; receiving at the server over the network a trade order from a customer; executing the received order in a trade forum according to the specific trading strategy algorithm; and providing an  
10 execution report to the customer over the network.

In preferred embodiments of the present invention, each server accepts order directly over the communication network from clients wishing to trade securities according to the particular strategy  
15 programmed therein. All servers have access to multiple trading destinations, access to real-time and historical market data, and real-time analytic data. Furthermore, each server has access to other servers on the communication network such that portions of given  
20 orders, or compilations of multiple orders can be routed or exchanged between the servers, and the servers can trade more efficiently and fairly among customers, based on this information.

The present invention will become more fully  
25 understood from the forthcoming detailed description of preferred embodiments read in conjunction with the accompanying drawings. Both the detailed description and the drawings are given by way of illustration only, and are not limitative of the present invention as  
30 claimed.

#### BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 is a block diagram of a system for executing trades according to a specific trading

strategy according to a preferred embodiment of the invention;

Figures 2A and 2B are flow charts of an exemplary trading algorithm which can be performed by a server according to an embodiment of the present invention; and

Figure 3 is a flow chart of a second exemplary trading algorithm which can be performed by a server according to an embodiment of the present invention.

#### 10                    DETAILED DESCRIPTION OF THE INVENTION

Referring to Fig. 1, one or more smart servers 11 is provided on an communication network 10. The network 10 may be a public network or a private dedicated network. Each server 11 is programmed with a specific trading strategy, and has access to various trading mechanisms or exchanges through the network 10, such as the New York Stock Exchange (NYSE) 18, the POSIT® system 20, the over-the-counter (OTC) market 22 (including, but not limited to, the NASDAQ stock market), or an ECN 24. Preferably, multiple trading strategies are available on each server 11.

According to preferred embodiments of the present invention, the servers 11 are electronically accessible directly by customers through the network 10. This access can be either through a PC 12 or a dedicated client terminal 16 which is electronically connected to the network 10 such as via the Internet or a dedicated line. Alternatively, clients could submit orders to the network indirectly via a trading desk 14 through which a customer can place an order in the traditional manner through a broker.

According to preferred embodiments of the present invention, a number of different servers 11 are



provided on the network, with each server 11 running a different trading strategy and having access to various appropriate trading forums, such as, for example, the New York Stock Exchange ("NYSE") 18, the POSIT® off-market trading system 20, the over-the-counter market ("OTC") 22 (including, but not limited to, the NASDAQ market), and various electronic communication networks ("ECNs") 24. A customer may place a trade order with any specific one of the servers 11 according to the strategy that the customer wishes to use to complete the order. The appropriate server 11 receives the order from the customer over the network 10 and processes the trade according to the preset trade strategy algorithm being run by the server 11. The server 11 then executes the strategized order and preferably transmits the execution results to the customer in real time.

By providing such servers, a significant advantage over the prior art system (where strategies are executed manually by human traders) is achieved. The server 11 can handle much more complex trades including trades involving large volumes and many more different equities. Additionally, the server 11 can provide expert results for a very large number of equities, unlike a trader who may be able to concentrate on or follow only a relatively small number of equities at once. A server according to the present invention has a further advantage over a human trader in that it can be electronically connected via the network 10 to a real time market information provider 15 as well as sources providing historical and derived market data such that it can receive and process multiple indicators on a continuous basis. Further, multiple orders having different desired trading strategies can

be simultaneously executed by routing trade requests to the appropriate server 11.

5 Figs. 2A and 2B illustrate one example of an equity trading strategy which can be performed by a server 11 according to embodiments of the invention wherein trades are executed with a goal of achieving a Volume Weighted Average Price, or "VWAP." The VWAP trading algorithm is programmed into a server 11, and customers wishing to execute the VWAP strategy for trades input orders and transmit them directly to the server 11 running the VWAP strategy via the network 10.

10 A stock's VWAP is the average price of trades of the stock over the course of the day weighted according to the number of shares traded at each price. Thus, for example, 1000 shares traded at  $56 \frac{1}{2}$  are weighted five times as heavily as 200 shares traded at  $54 \frac{1}{4}$ , to give a VWAP of  $56 \frac{1}{8}$ . The VWAP server algorithm according to the present invention would provide an alternative to conventional trading strategies for those clients who wish to trade a block of shares of a particular security over the course of a market day (or portion thereof) at a price near the security's VWAP for that day (or for that portion). The VWAP benchmark is desirable for such traders in that it allows evaluation of the success of a trader's approach to achieving reasonable execution prices.

20 According to VWAP strategy as depicted in Fig. 2A, at step 201 the trading day is divided into a number of equal time bins such as, for example, bins of half-hour increments. At step 202 the customer's order is received by the smart server 11 from a source such as a dedicated terminal 16. In a typical order, a customer would state a trade side (buy or sell), a security identifier (ticker symbol), number of shares and time

duration of the order. For example, a VWAP order would state a wish to buy 100,000 shares of IBM common stock before the close of the market throughout the course of a given day, or specifying some other definite

5 expiration time for the order to be executed. The VWAP server screens orders through a number of filters, such as for securities which are not part of the server's trading universe, or for orders in excess of a preset maximum number of shares.

10 At step 203, the average share volume of the security in question, such as IBM common stock, for each time bin over a predetermined amount of time in the past, such as the last 21 days, is computed. This computation may reveal that 10% of IBM share volume

15 typically has traded in the 9:30-10:00 time bin. Similar percentages are determined for each time bin.

At step 204, the computed share volume numbers are subjected to smoothing relative to a standard such as the S&P 500 in order to eliminate the effect of any

20 anomalies occurring during the time period being analyzed, such as, for example, an unusually large volume transacting in any one day. The smoothed share volume  $V^*$  (expressed in percentage) is calculated as follows for each time bin:

25 
$$V^*_{\text{IBM}, 9:30-10} = \beta V_{\text{IBM}, 9:30-10} + (1-\beta) V_{\text{S\&P500}, 9:30-10} \quad (1)$$

where:  $\beta$  = a constant for the stock in question (IBM) having a value in the interval  $[0,1]$   
 $V_{X, 9:30-10}$  = the percentage of the 21-day average share volume for security (or

30 index) X that occurs within the 9:30-10:00 time bin

The adjusted share volume percentage for each bin is then multiplied at step 205 by the number of shares in the customer order (in the example, 100,000 shares). This results in an unrounded distribution of shares over all of the time bins of the trading day. At step 206, the obtained share distribution is converted to a round lot (i.e., multiples of 100 shares) distribution. The share distribution thus obtained dictates how many shares must be transacted within each time bin during the trading day.

Once this distribution has been obtained, there remains the question as to how the trades scheduled for each time bin will be implemented. The simplest method is to place appropriately sized market orders during each time bin. However, this method is costly, and is not available for trades involving NASDAQ equities trading on ECNs. A preferred methodology of placing orders within each time bin for the VWAP strategy is shown in Fig. 2B.

Referring to Fig. 2B, at step 207 a partial amount of the bin is entered at a passive price (i.e., a price better than the market whereby the market must move to the price before execution will occur). For example, if the distribution calculation indicates that 10,000 shares should be transacted in the 9:30-10:00 time bin, 3,300 shares could be entered as a limit order at a passive price. At step 208, the algorithm waits for a predetermined amount of time, such as five minutes. At step 209, a determination is made as to whether the order has been at least partially filled. If so, at step 210 the market is "read," by determining the ratio of bid size to ask size (where bid size is the number of shares at the current bid price, and ask size is the number of shares at the current ask price). If the

market is adverse to the order, such as where bid size greatly outnumbers ask size for a buy order, then at step 212 the shares remaining in the bin are rapidly transacted by placing aggressively priced limit orders, and if still unfilled after a certain period of time, by placing market orders. If no adverse market trend is found, then another passively priced limit order is placed at step 207.

If the order has not been filled, at step 213 the process waits for an additional predetermined time period, such as another five minutes. At step 214 it is again determined whether the order has been at least partially filled. If so, the process proceeds to step 210. If not, at step 215 the market is read by looking at bid/ask ratio and the spread size. If the current market trend is adverse, or the spread is very tight, as determined at step 216, then the bin is completed with market orders at step 217. If not, at step 218, the limit order is modified according to present market conditions, and is placed again at step 207. This cycle repeats until all shares for the bin are traded, or until the time period for the particular bin expires.

If the time period expires with unexecuted trades remaining, all unexecuted shares for that bin are sent as market orders. Of course, in determining the expiration of the time period, enough time has to be remaining to be able to execute the market orders. Thus, according to one embodiment of the invention, the time period is considered to have "expired" a few minutes (e.g., 2.5 minutes) before the end of the customer's specified expiration time, to allow enough time to complete the customer's order within the customer's specified expiration time.

Further, an additional predetermined waiting period and order status determination step may be performed between steps 214 and 215.

As shown in Fig. 1, it is possible to send  
5 different allocations of shares of an order to different trading forums. For example, a certain amount of shares for a particular bin may be sent to the POSIT® system for off-market crossing while the remaining shares may be sent to an ECN as limit orders.

10 In alternative embodiments of the VWAP trading algorithm according to the present invention, a stop-loss feature can be incorporated. This feature would automatically and continuously observe market indicators relating to securities for which there are  
15 pending VWAP orders to determine if adverse market trends would make it more profitable for trading according to the VWAP strategy to be terminated. In the event that this happens, the VWAP order could potentially be sent to an outside trading forum as  
20 market or limit order, or the order can be automatically routed to a different server on the network so as to be trading according to a different and more advantageous strategy.

Fig. 3 illustrates a second exemplary trading  
25 strategy, called Short-term Price Improvement (SPI), which may be implemented on servers 11 of the present invention. The SPI strategy is designed to complete all orders within a maximum time frame specified by the customer, preferably 30 minutes or less, while  
30 optimizing the transaction price within the desired time frame. In other words, clients submitting orders stating "buy 5,000 shares of IBM within 20 minutes" to a server running the SPI strategy are essentially stating a desire to purchase 5,000 shares of the stock

at the best (lowest) price within the 20 minute time frame. Orders placed to a SPI server would serve as an alternative to a market order where the client's time horizon is relatively short.

5           The SPI strategy server continuously receives and monitors a variety of market indicators in order to determine the best way to execute a given client order. Depending upon short-term price forecasts and market timing analysis based upon these market indicators as  
10 is known in the art, a server performing the SPI strategy at any point during the time frame may generate a signal which causes any of three separate courses of action to be taken by the server: 1) attempt to execute the client order as a market order, 2)  
15 attempt to execute the client order as a limit order having a price set at one of various levels of aggressiveness, or 3) delay the client order for a short period and wait to see how the market indicators change (and thereby change the signal being generated  
20 by the SPI strategy server).

          According to embodiments of the invention having such a SPI server, the market indicators are preferably received in real time, such as electronically by an independent real time market information provider 15.  
25 The SPI algorithm thus can react to changing market conditions as evidenced by the indicators to determine the appropriate pricing and timing of orders. As market conditions change, the SPI algorithm can modify its outstanding orders in response to received real-  
30 time market data.

          Suitable market indicators for SPI orders include, but are not limited to, moving average convergence/divergence ("MACD") which is a money flow momentum indicator, fast stochastic which is an

indicator of price oscillation, Bollinger bands which is a volatility indicator, and buying directional movement index ("DMI<sub>B</sub>") and selling directional movement index ("DMI<sub>S</sub>") which are demand/supply momentum indicators. As will be readily appreciated by one skilled in the art, various market indicators, including indicators known in the art and proprietary indicators, can be used in algorithms of the present invention to generate signals.

Fig. 3 depicts an embodiment of an algorithm to perform the SPI strategy according to preferred embodiments of the present invention. At the beginning of the process, the server 11 dedicated to running the SPI strategy receives the SPI order 401 via the network 10. The SPI order must include a trade side (buy or sell), a security identifier (ticker symbol), a number of shares, and a time period. Optionally, a default time period can be set, such as 15 minutes, which would be used as the time period in the event the SPI order failed to state a specific time period.

At step 402, the SPI server checks the market indicators, and then classifies 403 the pending SPI order as either a high priority scenario 404 or a low priority scenario 405 according to a set of predetermined criteria. According to preferred embodiments of the invention, high priority scenarios are infrequent and they occur only when indicators predict market movements which would make it advantageous to complete the client's requested trade immediately. In the event that a high priority scenario 404 is identified at 403, a signal is generated whereby the client order is immediately executed as a market order 406a, and the SPI server algorithm ends 407. At this point, the client would



typically be notified, preferably electronically, that its trade had been completed.

A high priority scenario also may be identified by making a "stop-loss" assessment. According to this  
5 evaluation, a threshold level is generated based on a number of various market factors, and the current price of the security is compared to the threshold. If the current price is on the wrong side of the threshold for the given order (i.e., above the threshold for a buy  
10 order or below the threshold for a sell order), this constitutes a high priority situation and the order is sent as a market order. Examples of generating a stop-loss threshold are as follows.

For a buy order, the current ask price is  
15 obtained. An increment is generated based on the measured volatility of the security over the last 55 ticks. The generated increment is added to the ask price. The new stop-loss threshold is the minimum of the old threshold (e.g. from one minute ago) or the  
20 ask-plus-increment. Thus, the threshold can never increase, but only decrease. If prices are moving in favor of the buy order (i.e., lower), the threshold is lowered, but if prices are moving adverse to the buy order (i.e., higher), the threshold remains the same.  
25 Consequently, if the ask price ever exceeds the threshold, a high priority situation is identified.

For a sell order, the situation is reversed. In particular, the current bid price is obtained. An increment is generated based on the measured volatility  
30 of the security over the last 55 ticks. The generated increment is subtracted from the bid price. The new stop-loss threshold is the maximum of the old threshold (e.g. from one minute ago) or the bid-minus-increment. Thus, the threshold can never decrease, but only

increase. If prices are moving in favor of the sell order (i.e., higher), the threshold is raised, but if prices are moving adverse to the sell order (i.e., lower), the threshold remains the same. Consequently, if the bid price ever retreats below the threshold, a high priority situation is identified.

Table 1 below demonstrates several exemplary situations in which market indicators would signal high priority scenarios according to one preferred embodiment of the present invention.

Side	Fast Stoch.	Boll. Bands	MACD
Buy	Oversold	NA	Strong
Sell	Overbought	NA	Weak
Buy	NA	Above	Strong
Sell	NA	Below	Weak

Table 1

Referring to Table 1, if, for example, at step 403 the MACD indicator signaled weak price and money flow momentum and the fast stochastic indicator signaled overbuying of the particular security, then a high priority scenario would be triggered for client sell orders. Similarly, a strong MACD combined with a market price below the Bollinger Bands would also trigger a high priority scenario for client sell orders. In either case, a signal would be generated which would cause a market order to be sent at 406a to satisfy the initial client SPI order received at step 401.

In the event that no high priority scenario 404 is triggered, the client SPI order is deemed a low priority scenario 405 and thus an immediate market

order is not triggered at 406a. At step 408, the SPI server decides whether to submit a limit order 410, or to delay 409 the client order. It will be readily appreciated by one skilled in the art that such limit orders can be placed with a variety of prices, including, but not limited to, the current bid price, the current ask price, or the mid-point price of the bid-ask spread, according to a series of predetermined criteria at step 411. As with the determination at step 403 as to whether a high priority scenario 404 exists, the decision at step 408 as to whether a limit order or hold is appropriate, and the appropriate price for a limit order, is made upon the monitoring of various market indicators.

Table 2 below demonstrates an exemplary methodology for using market indicators to dictate whether a limit order (and its price) or a delay should be signaled according to one preferred embodiment of the present invention.

Side	DMI <sub>B</sub>	DMI <sub>S</sub>	Action	Price
Buy	Mid range	NA	Limit Order	Bid
Buy	High range	NA	Limit Order	Mid-point
Buy	Low range	NA	Hold	NA
Sell	NA	Mid range	Limit Order	Ask
Sell	NA	High range	Limit Order	Mid-point
Sell	NA	Low range	Hold	NA

Table 2

According to the sample priority rules depicted by Table 2, it can be seen that for client buy orders, if at step 408 the DMI<sub>B</sub> is in the high range (as defined by the Bollinger Bands as is known in the art), a limit

order would be signaled and then submitted at step 411 having a price equal to the mid-point of the bid-ask spread. Similarly, for a client sell order, a low DMI<sub>s</sub> (as defined by the Bollinger Bands) causes step 408 to  
 5 signal and initiate a delay scenario 409.

If a delay scenario 409 is initiated, all pending limit orders relating to the client order in question are canceled at step 412. Conversely, if a limit scenario 410 is initiated, a limit order is either  
 10 submitted to the market, a currently pending limit order has its price modified, or a currently pending limit order is left undisturbed (i.e., when there is no change in the signaled limit order aggressiveness) at step 411 based upon the algorithm's low priority rules  
 15 (such as the sample rules given by Table 2) and whether there already is a previously submitted and unexecuted limit order. The server checks at step 413 to see if a pending limit order was executed by the market. If a pending limit order has been executed 414, then the  
 20 client order is filled and the algorithm ends 407.

If the limit order placed at step 411 is still pending 418, or if a hold has been placed at step 412, the algorithm checks at 419 and 415, respectively, to see if the time constraint placed on the order has  
 25 expired. In the event that the time constraint has expired (416 or 420), the SPI server sends a market order at 406b or 406c to fill the client order. If the time period has not expired (421 or 417), the algorithm returns to step 402 after waiting for a predetermined  
 30 amount of time (421a or 417a).

In preferred embodiments of the present invention, the timing out function performed at steps 419 and 415 by the SPI server algorithm will have a time constraint which is approximately three minutes less than the time

period associated with the particular client order.  
 For example, if a client order requests a sale of 500  
 shares of IBM within 25 minutes and no high priority  
 scenario have been triggered and no limit orders have  
 5 been executed 22 minutes after the client submitted the  
 order, then a timing out 416 or 420 would occur and a  
 market order would be sent 406b or 406c. This three  
 minute time period is preferred because it is the  
 maximum expected time necessary to execute a market  
 10 order. Thus, it helps to ensure that any client order  
 will be executed before the client specified time  
 horizon expires.

As will be readily understood by one of ordinary  
 skill in the art, the flowchart depicted by Fig. 3 has  
 15 been described with reference to one iteration of a  
 repeating cycle. During the entire transaction period  
 as specified by the client in its SPI order, the market  
 indicators are continuously updated and reviewed at  
 step 403 to determine whether a high priority scenarios  
 20 404 is signaled, and are reviewed at step 408 to  
 determine if a limit order 410 or delay 409 is  
 signaled. The algorithm of Fig. 3 will continue to  
 cycle, once every minute for example, back to step 402  
 and repeat until either: 1) a market order is signaled  
 25 at step 406a due to a high priority scenario, 2) a  
 market order is signaled steps 406b and 406c due to the  
 transaction period given by the SPI order timing out  
 417 and 415, or 3) a limit order is executed by the  
 trade forum at 414 before it is modified or canceled.  
 30 It should be understood then that during the second and  
 subsequent iterations of the above described cycle, at  
 steps 406b, 406c, 411, and 412 the client order must  
 have previously caused a low priority signal to be  
 generated at step 403 and therefore potentially had a

previous limit order submitted at 411. If such a limit order is still pending (unexecuted), it will require the server at steps 406b, 406c, 411, and 412 to modify (change the price, or switch to a market order) or cancel (to make the order a hold) the pending unexecuted limit order instead of creating a completely new order.

#### Example

A SPI server order is submitted stating a desire to buy 1000 shares of IBM within 10 minutes. During the 7 minute (3 minute cushion for time-outs) interval in which the SPI algorithm operates, conditions transpired as in Table 3:

Time	Bid	Ask	Priority: Signal
1 min.	112.000	112.250	Low: Limit at bid
2 min.	112.000	112.250	Low: Limit at bid
3 min.	112.125	112.375	Low: Limit at bid
4 min.	112.125	112.375	Low: Limit at bid
5 min.	112.000	112.250	Low: Hold
6 min.	111.875	112.125	Low: Hold
7 min.	111.875	112.125	NA: Time out

Table 3

For purposes of this example it will be assumed that one iteration of the cycle described with reference to Fig. 3 occurs each minute. Over the first six minutes, no high priority scenarios are signaled. During the first minute a limit order for 1000 shares is submitted at the bid price(112) according to algorithm rules for the low priority indicators. During the third minute, while the indicators have not changed, the spread has

changed. This causes the SPI algorithm to cancel and correct the initial limit order sent to a price of 112.125, the new bid price. During the fifth minute, the indicators have changed to  
5 signal a delay scenario. Thus, the SPI server cancels the limit order placed during the third minute. By the seventh minute, the trade has not been executed, so a time out action is initialized. Thus, a market order is generated  
10 for the 1000 shares and the order is filled.

As will be readily appreciated by one skilled in the art, the server system according to the present invention running a SPI algorithm as depicted can also allow a single client order to be allocated to multiple  
15 markets, such as the NYSE, POSIT®, and ECNs, automatically according to current market conditions, or the particular nature of the security in question, in order to achieve optimized results.

Also, in alternative embodiments of the present  
20 invention, orders can be automatically transferred within the network from one server operating according to a first strategy algorithm to another server having a second different strategy algorithm. For example, the VWAP strategy algorithm can be modified such that  
25 the shares allocated to each 30 minute time bin are transferred to the SPI server for execution with a 25 minute time horizon.

Furthermore, in embodiments of the present invention, an order submitted to any one of the servers  
30 of the present invention can aggregated in whole or in part with one or more different orders submitted to the same or different servers. This pooling of orders can

be done to limit trading transaction costs or when such pooling would achieve a better price for each order.

5        Additionally, it should be understood that orders submitted to any server according to the present invention can optionally be split for execution by a plurality of trade forums. For example, a portion of a VWAP buy order can be crossed internally (at the VWAP) with a different VWAP sell order by the server, and the remainder of the VWAP buy order can be submitted to an  
10        ECN as a limit or market order for execution.

         The invention being thus described, it will be apparent to those skilled in the art that the same may be varied in many ways without departing from the spirit and scope of the invention. Any and all such  
15        modifications are intended to be included within the scope of the following claims.



What is claimed is:

- 1     1. A system for executing trades of securities  
2     according to predefined trading strategies, comprising:  
3         a plurality of servers, each server being  
4     programmed with a specific trading strategy algorithm,  
5     and receiving trade orders and executing said trade  
6     orders according to the trading strategy algorithm  
7     programmed therein;  
8         said plurality of servers being connected to a  
9     plurality of clients over a communication network,  
10    wherein a client enters a trade order and transmits it  
11    over said communication network to a server associated  
12    with the trading strategy the client desires to use to  
13    complete the trade order.
- 1     2. A method for executing a trade order for a  
2     security, comprising the steps of:  
3         providing a server connected to a communication  
4     network, said server being programmed with a specific  
5     trading strategy algorithm;  
6         receiving at said server over said network a trade  
7     order from a customer; and  
8         executing the received order in a trade forum  
9     according to actions determined by said specific  
10    trading strategy algorithm.
- 1     3. The method of claim 2, wherein said trade order  
2     requests a trade of a quantity of shares of the  
3     security over a portion of a market day for said trade  
4     forum, and said specific trading strategy algorithm  
5     comprises the steps of:  
6         dividing a trading day into a plurality of time  
7     bins;

8           for a received order, computing average share  
9           volume for each time bin over a predetermined period of  
10          time and determining share volume percentages for each  
11          time bin;

12          multiplying the number of shares in the order by  
13          the percentages for each time bin to determine the  
14          number of shares of said order to be allocated within  
15          each time bin; and

16          executing orders for said allocated numbers of  
17          shares within each time bin in accordance with said  
18          specific trading strategy algorithm.

1          4. The method of claim 3, wherein a trade of an  
2          allocated number of shares within a given time bin is  
3          executed by entering at least one limit order during  
4          said given time bin, with a price and time for each  
5          order being determined as a function of an amount of  
6          time remaining in said given time bin, and as a  
7          function of real-time assessment of current market  
8          conditions based on real-time market data.

1          5. The method of claim 4, further comprising the steps  
2          of periodically checking the status of outstanding  
3          orders; and changing at least one of the pricing and  
4          the number of shares of an outstanding order as a  
5          function of an amount of time remaining in said given  
6          time bin, and as a function of real-time assessment of  
7          current market conditions based on real-time market  
8          data.

1 6. The method of claim 3, further comprising the steps  
2 of:

3 identifying securities for which said server has  
4 received trade orders on both a buy side and a sell  
5 side; and

6 internally transferring shares of such identified  
7 securities from a seller to a buyer at a price  
8 determined according to the conditions specified in  
9 said received trade orders for said identified  
10 securities.

1 7. The method of claim 3, wherein said orders are  
2 executed as limit orders for at least partial amounts  
3 of said allocated numbers of shares within each bin,  
4 the method further comprising the steps of:

5 determining after a predetermined period of time  
6 whether said limit orders have been at least partially  
7 filled;

8 if said limit orders have been at least partially  
9 filled, determining whether adverse market conditions  
10 exist, and changing the remaining share orders to more  
11 aggressive limit orders or market orders for immediate  
12 execution if adverse conditions exist;

13 otherwise, entering additional limit orders for  
14 partial amounts of said allocated numbers of shares  
15 within said time bins.

1 8. The method of claim 7, further comprising the steps  
2 of:

3 determining whether adverse market conditions  
4 exist if said limit orders have not been at least  
5 partially filled after a predetermined period of time;

6            completing the share orders within said time bins  
7            by placing more aggressive limit orders or market  
8            orders if adverse market conditions exist;  
9            otherwise, modifying said partial limit orders  
10           within said time bins and placing said modified limit  
11           orders within said time bins.

1           9. The method of claim 2, wherein said trade order  
2           requests a trade of a quantity of shares of the  
3           security within a time period, and said specific  
4           trading strategy algorithm comprises the steps of:  
5                  continuously monitoring during said time period a  
6           plurality of market indicators related to said  
7           security; and  
8                  repeatedly generating during said time period one  
9           or more appropriate signals which dictate actions to be  
10           taken at said trade forum, said signals being based  
11           upon said market indicators, and signals causing an  
12           action at said trade forum selected from the group  
13           consisting of a market order, a limit order having a  
14           price selected from one of a plurality of levels of  
15           aggressiveness, and a cancellation of an existing order  
16           and a delay of entering a new order;  
17                  wherein said signals are sent until said time  
18           period expires or until an order is executed by said  
19           trade forum.

1           10. The method of claim 9, wherein a signal causing a  
2           market order is sent three minutes prior to expiration  
3           of said time period.

1           11. The method of claim 9, wherein said selected price  
2           level of aggressiveness is determined based upon said

3 market indicators according to a predetermined  
4 criteria.

1 12. The method of claim 9, wherein said monitoring of  
2 said indicators is performed automatically by said  
3 server using information provided by an electronic  
4 real-time information provider.

1 13. The system of claim 1, wherein said plurality of  
2 servers are also connected to each other over said  
3 network, such that said servers are capable of  
4 comparing their received orders with orders received by  
5 other servers of said plurality of servers, and are  
6 capable of carrying out trades with said other servers  
7 in accordance with the order information entered into  
8 each server.

1 14. The method of claim 2, further comprising the step  
2 of providing a plurality of servers connected to said  
3 communication network and to each other over said  
4 network, such that said servers are capable of  
5 comparing their received orders with orders received by  
6 other servers of said plurality of servers, and are  
7 capable of carrying out trades with said other servers  
8 in accordance with the order information entered into  
9 each server.

1 15. The method of claim 3, further comprising the step  
2 of smoothing said determined share volume percentages  
3 according to a predetermined algorithm.

1 16. The method of claim 3, wherein said trading  
2 strategy algorithm continuously monitors a plurality of  
3 market indicators related to said security, and said

- 4 monitoring of said indicators is performed
- 5 automatically by said server using information provided
- 6 by an electronic real-time information provider.

ABSTRACT

The present invention provides a system for executing trades of securities according to predefined trading strategies comprising a network having a plurality of servers. Each server is programmed with a specific trading strategy algorithm and receives trade orders and executes them according to the trading strategy algorithm programmed therein. The servers are connected to a plurality of clients over a communication network, and clients enter trade orders through the communication network to the server associated with the trading strategy the client desires to use to complete its trade order. The present invention also provides a method for executing a trade order for a security. The method comprises the steps of providing a server connected to a communication network with the server being programmed with a specific trading strategy algorithm. Trade orders received at the server over the network from clients are executed in the server according to the specific trading strategy algorithm.

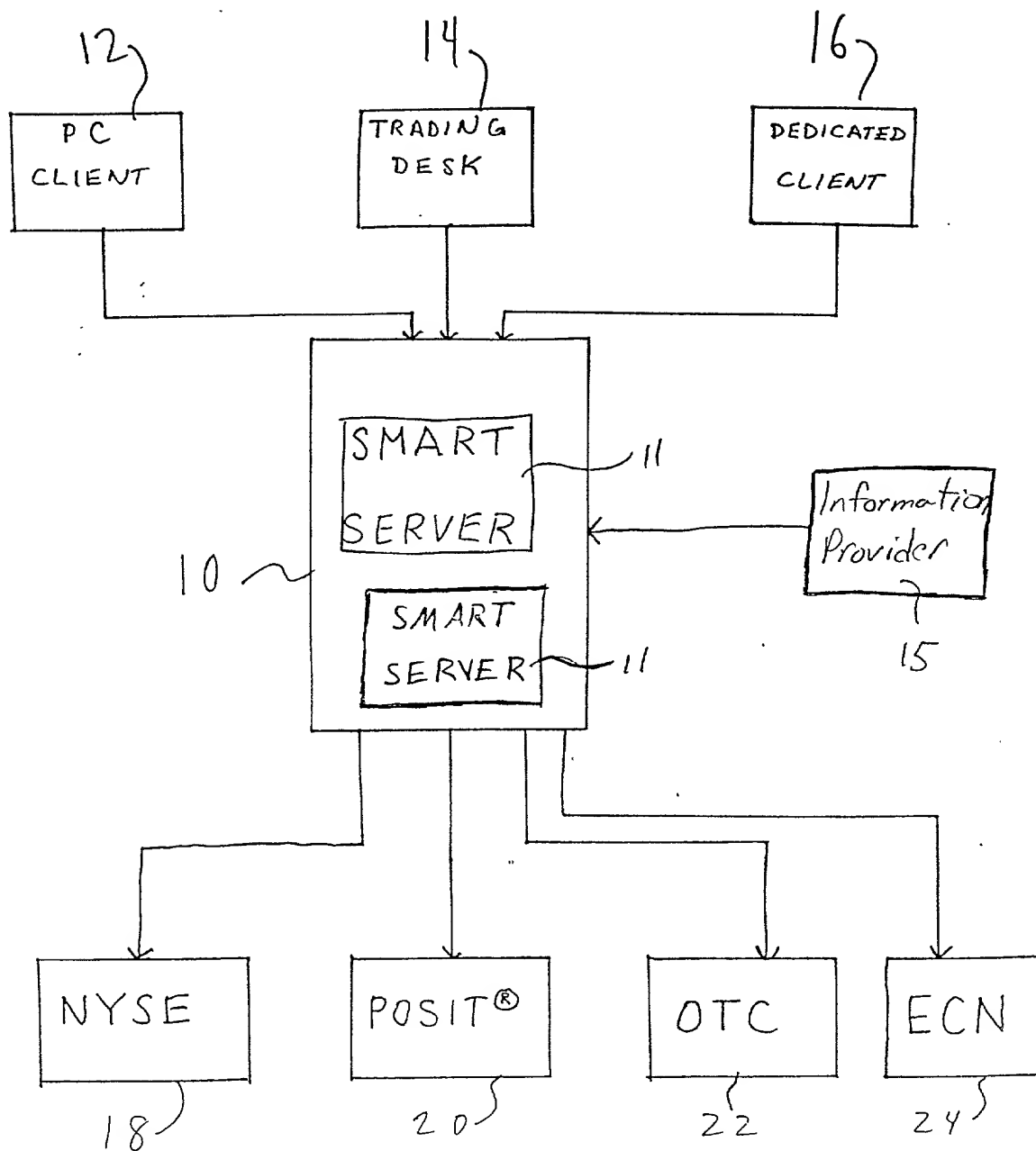


FIG. 1



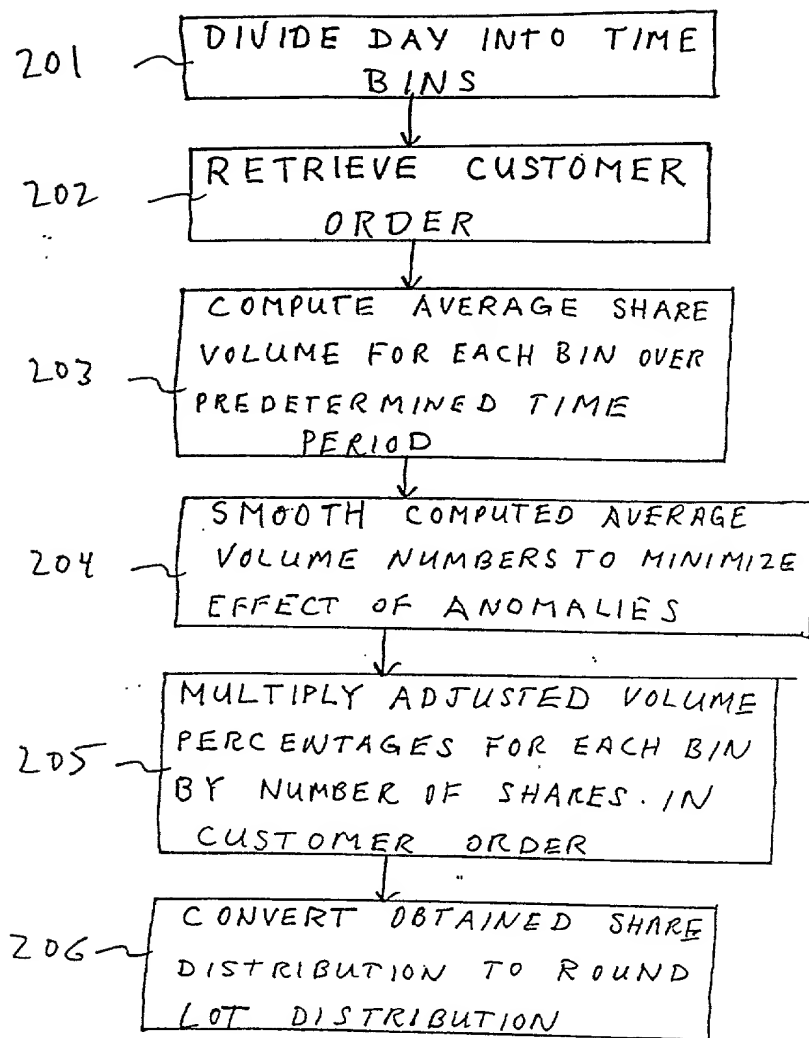


FIG. 2A

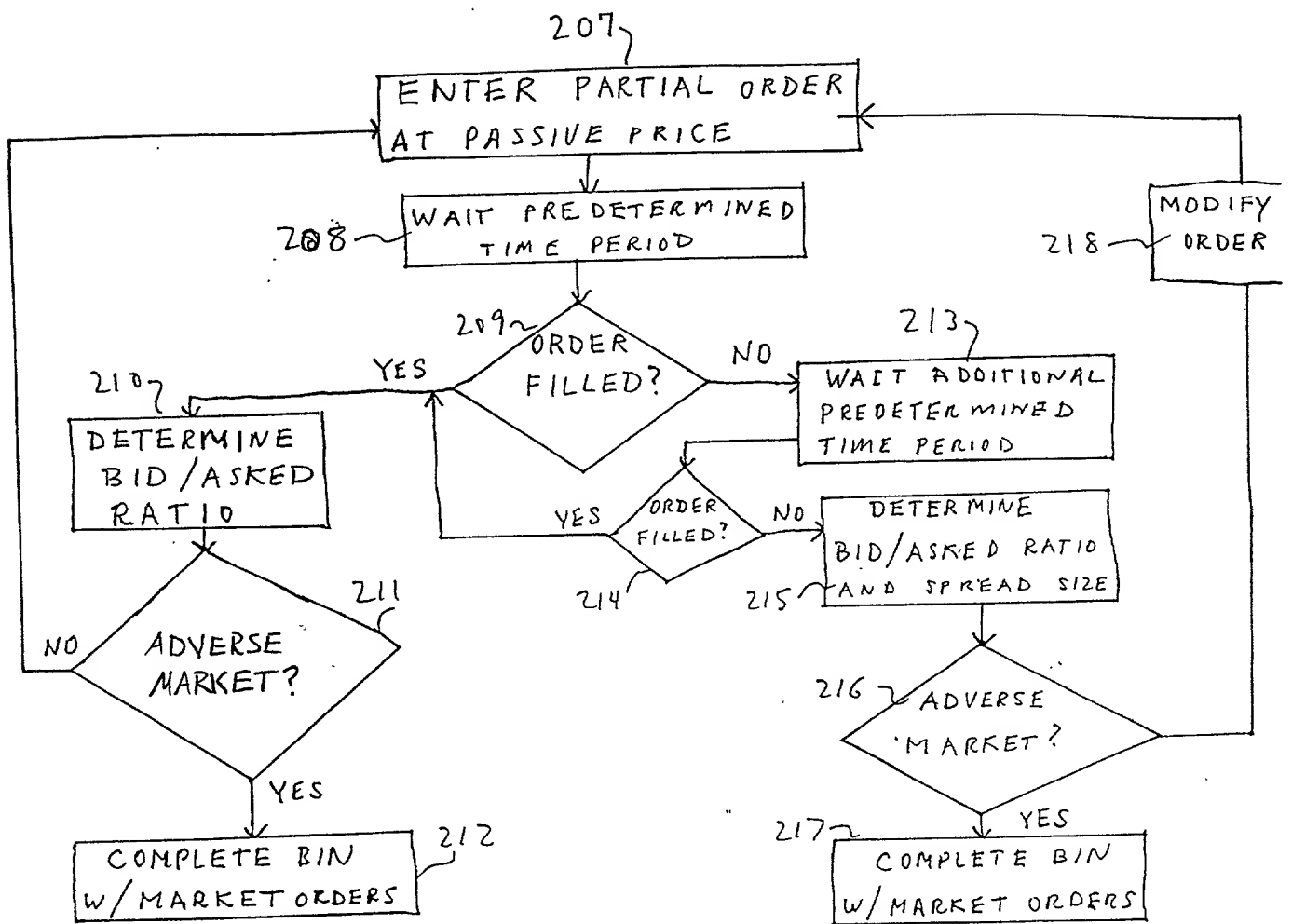


FIG. 2B

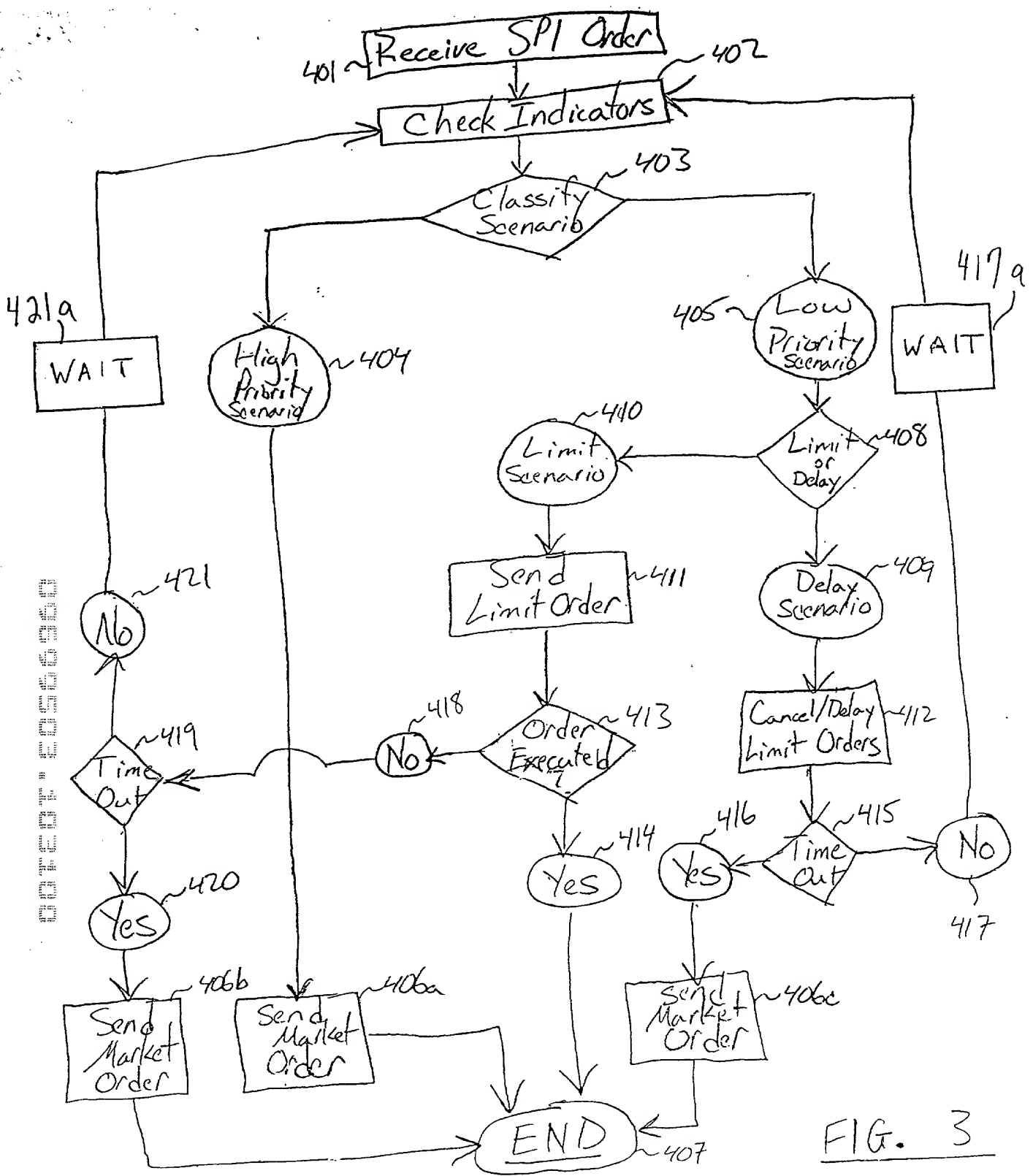


FIG. 3

**Declaration and Power of Attorney for Patent Application**

As a below named inventor, I hereby declare that:

I make this declaration under 37 CFR § 1.47(a) on behalf of myself and Rohit D'Souza, who has refused to sign this declaration,

My residence, post office address and citizenship are as stated below next to my name,

I believe I am an original, first and joint inventor, along with the said Rohit D'Souza, of the subject matter which is claimed and for which a patent is sought, on the invention entitled **SYSTEM AND METHOD FOR EXECUTING STRATEGY SECURITY TRADING**, the specification of which

☒ is attached hereto.

☐ was filed on \_\_\_\_\_  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			Priority Claimed	
			<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year)	Yes	No
_____	_____	_____		

Prior Foreign Application(s)

			Priority Claimed	
			<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year)	Yes	No
_____	_____	_____		

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

60/176,627

(Application Serial No.)

January 19, 2000

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)

(Application Serial No.)

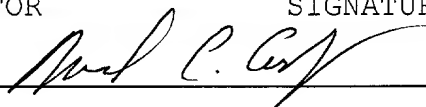
(Filing Date)

(Status)

or we hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to ROTHWELL, FIGG, ERNST & MANBECK, p.c., Suite 701-E, 555 13th Street, N.W., Washington, D.C. 20004:

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Bart G. Newland, Reg. No. 31,282  
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Joseph A. Hynds, Reg. No. 34,627  
Mark I. Bowditch, Reg. No. 40,315  
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Jeffrey W. Rennecker, Reg. No. 40,784  
Don M. Kerr, Reg. No. 22,720  
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Gregg L. Jansen, Reg. No. P46,799  
Richard Wydeven, Reg. No. 39,881  
Thomas E. McKiernan, Reg. No. 37,889  
Jason M. Shapiro, Reg. No. 35,354  
Michael J. Moran, Reg. No. 42,013

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FIRST NAMED INVENTOR DAVID C. CUSHING	SIGNATURE 	DATE 10/9/00
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THIRD NAMED INVENTOR ROHIT D' SOUZA	SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FOURTH NAMED INVENTOR KENNETH KRAMER	SIGNATURE	DATE
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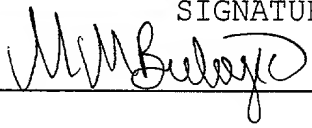
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RESIDENCE		CITIZENSHIP
POST OFFICE ADDRESS		
FOURTH NAMED INVENTOR KENNETH KRAMER	SIGNATURE	DATE
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POST OFFICE ADDRESS 4 Martine Avenue, Apt. 515, White Plains, N.Y. 10606		

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Prior Foreign Application(s)

			Priority Claimed	
			<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year)	Yes	No
_____	_____	_____		

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

60/176,627

(Application Serial No.)

January 19, 2000

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)

(Application Serial No.)

(Filing Date)

(Status)

or we hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to ROTHWELL, FIGG, ERNST & MANBECK, p.c., Suite 701-E, 555 13th Street, N.W., Washington, D.C. 20004:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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